

REMARKS

1. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested. Claims 1-20 are currently pending in the application and stand rejected under a final rejection. Claims 1-3, 5-10, 13 and 14-20 have been rejected under 35 U.S.C. §103(a) as being obvious over German Pat. No. 1,923,305 to Ver Deutsch Metallwerke AG in view of U.S. Patent No. 3,744,835 to Carbone et al. and U.S. Patent No. 6,164,709 to Kuczynski et al.. Claim 11 has been rejected under 35 U.S.C. §103(a) as being obvious over Ver Deutsche Metallwerke AG in view of Carbone et al., Kuczynski et al. and U.S. Patent No. 5,799,991 to Glance. Claim 12 has been rejected under 35 U.S.C. §103(a) as being obvious over Ver Deutsche Metallwerke AG in view of Carbone et al., Kuczynski et al. and U.S. Patent No. 6,264,454 to Hale. After a careful review of the claims (as amended), it has been concluded that the rejections are in error and the rejections are, therefore, traversed.

2. Claims 1-10, 13, 14-20 have been rejected under 35 U.S.C. §103(a) as being obvious over Ver Deutsch Metallwerke AG in view of Carbone et al. and Kuczynski et al. In response, claims 1 and 13 have been further limited to a foam portion having a plurality of recesses and a plurality of non-metallic cell matrixes disposed in at least some, but not all, of the plurality of recesses. Support for this further limitation may be found in numerous locations within the specification (e.g., page 12, lines 6-7).

Claims 1 and 13 have been further limited to a high density panel disposed adjacent one of the plurality of non-metallic cell matrixes, said high density panel disposed against the elongated beam on a first end and extending forward of the one of the non-metallic cell matrixes

on a second end to preload the elongated beam during a collision. Support for this limitation may also be found at numerous locations throughout the specification (e.g., page 15, last line to page 16, line 3).

It is noted in this regard, that Ver Deutsch Metallwerke AG and Carbone et al. are each directed to a bumper having a single energy absorbing member extending across the bumper and only a single recess. Kuczynsky et al. fails to provide any teaching with regard to a plurality of recesses within a foam portion. None of the references of the combination of Ver Deutsch Metllwerke AG, Kuczynski et al. and Carbone et al. provide any teaching of “a high density panel disposed adjacent one of the plurality of non-metallic cell matrixes, said high density panel disposed against the elongated beam on a first end and extending forward of the one of the non-metallic cell matrixes on a second end to preload the elongated beam during a collision”. As such, the claimed invention is clearly differentiated over the combination of Ver Deutsch Metallwerke AG in view of Carbone et al. and Kuczynski et al.

The Examiner asserts that “It is incomprehensible that applicant could conceive of the matrix of Ver Deutsche not being supported by the foam portion as it rests within same . . . Further, the plate 7 is not connected to the beam 5, in spite of the applicant’s arguments” (Office Action of 9/3/03, page 2). However, it is also incomprehensible that the Examiner would not recognize that which the drawings of Ver Deutsche clearly show. For example, Ver Deutsche explicitly differentiates between the block of “shock absorbing elements which are connected to the vehicle support structure by a cross-beam of which extends over all the width of the vehicle” and the plate casing that encloses the block and “which is a casing of polyurethane foam”. The polyurethane foam is clearly referred to by reference number “3”. The block that the foam 3 encloses is clearly formed

by elements 6, 7 and 8. The fact that the foam encloses the block clearly suggests that it is the block that supports the foam rather than the foam that supports the block.

Further, the fact that the matrix 6 of Ver Deutsche is surrounded by panels 7, 8 is clearly suggestive of a rigid block. The presence of a rigid block would clearly function differently in a collision than a cell matrix that is allowed to move with the foam. In addition, as anyone with skill in the art would recognize, front panel 7 is, in fact, connected to the beam through side panels 8.

3. Claim 11 has been rejected as being obvious over Ver Deutsche Metallwerke AG in view of Carbone et al., Kuczynski et al. and Glance. However, a review of Glance reveal that Glance also fails to teach or suggest a foam portion having a plurality of recesses and a plurality of non-metallic cell matrixes disposed in at least some, but not all, of the plurality of recesses. Glance also fails to teach or suggest the presence of a high density panel that preloads the elongated beam during a collision. Since the combination of Ver Deutsche Metallwerke AG, Carbone et al., Kuczynski et al. and Glance fails to teach or suggest these claim elements, the rejection is believed to be improper and should be withdrawn.

4. Claim 12 has been rejected under 35 U.S.C. §103(a) as being obvious over Ver Deutsche Metallwerke AG in view of Carbone et al., Kuczynski et al. and Hale. However, a review of Hale reveal that Hale also fails to teach or suggest a foam portion having a plurality of recesses and a plurality of non-metallic cell matrixes disposed in at least some, but not all, of the plurality of recesses. Hale also fails to teach or suggest the presence of a high density panel that preloads the elongated beam during a collision. Since the combination of Ver Deutsche Metallwerke AG,

Carbone et al., Kuczynski et al. and Hale fails to teach or suggest these claim elements, the rejection is believed to be improper and should be withdrawn.

5. For the foregoing reasons, applicants submit that the subject application is in condition for allowance and earnestly solicit an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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